

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>LABORERS' PENSION FUND, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>Case No. 07 C 6422</b>
<b>v.</b>	)	
	)	<b>Judge BUCKLO</b>
<b>KEVIN D. BROWN, d/b/a ALLSTAR CONSTRUCTION.,</b>	)	
	)	
<b>Defendant.</b>	)	

**MOTION FOR RULE TO SHOW CAUSE**

NOW COME Plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity and James S. Jorgensen, Administrator of the Funds (collectively "Plaintiffs" or the "Funds"), by their attorney, Charles Ingrassia, and hereby move this Court to enter an Order directing Defendant Kevin D. Brown, d/b/a Allstar Construction., (hereinafter the "Defendant") to appear and show cause why he should not be held in contempt for failing to comply with this Court's Order entered on January 18, 2008. In support of this Motion, the Funds state as follows:

1. The Funds filed their Complaint on November 13, 2007 seeking to compel the Defendant to submit benefit reports and contributions for the period of August 2007 forward, to submit union dues reports and dues for the period of August 2007 forward, to submit to an audit upon demand and to compel the Defendant to obtain and maintain a bond.
2. The Defendant failed to file an answer or otherwise plead, and this Court found him in default on December 28, 2007, setting an original prove up date for January 18, 2008.
3. The Defendant did not produce his books and records and did not submit to an

audit, and accordingly, the Funds filed a Motion for Rule to Show Cause on January 16, 2008. The Court dismissed the Funds' motion without prejudice on January 18, 2008 and ordered the Defendant to produce his books and records and submit to an audit within 60 days. A true and accurate copy of this Court's docket entry is attached hereto as **Exhibit A**.

4. The Funds sent the Defendant a letter on January 23, 2008 requesting that he comply with this Court's Order and produce his books and records and submit to an audit within 60 days. A true and accurate copy of that letter is attached hereto as **Exhibit B**. To date, the Defendant has not produced his books and records and has not submitted to an audit.

5. Accordingly, the Funds respectfully request that this Court enter an Order directing Defendant Kevin D. Brown, d/b/a Allstar Construction to appear and show cause why he should not be held in contempt for failing to comply with this Court's Order dated January 18, 2008. Plaintiffs further request that this Court award them their attorneys' fees and costs incurred in bringing this Motion.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order directing Defendant Kevin D. Brown, d/b/a Allstar Construction to appear and show cause why the Defendant should not be held in contempt for failing to comply with this Court's Order dated January 18, 2008. Plaintiffs further request that this Court award them their attorneys' fees and costs in bringing this Motion.

March 18, 2008

Respectfully submitted,

Laborers' Pension and Welfare Funds, et al.

By: /s/ Charles Ingrassia

Office of Fund Counsel  
111 W. Jackson Blvd., Suite 1415  
Chicago, IL 60604  
(312) 692-1540

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.0  
Eastern Division**

Laborers' Pension Fund, et al.

Plaintiff,

v.

Case No.: 1:07-cv-06422

Honorable Elaine E. Bucklo

Kevin D. Brown

Defendant.

**NOTIFICATION OF DOCKET ENTRY**

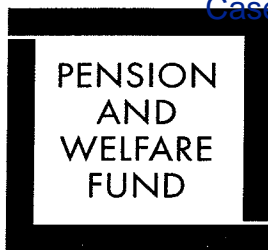
This docket entry was made by the Clerk on Friday, January 18, 2008:

MINUTE entry before Judge Elaine E. Bucklo :Plaintiffs' motion for RULE to show cause[13] is denied without prejudice. Defendant shall produce books and records and submit to an audit within 60 days. Status hearing held on 1/18/2008.Prove-up hearing continued to 4/3/2008 at 09:30 AM.Mailed notice(mpj, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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**LABORERS' PENSION FUND and  
HEALTH and WELFARE DEPARTMENT  
of the CONSTRUCTION and GENERAL  
LABORERS' DISTRICT COUNCIL of  
CHICAGO and VICINITY**

11465 CERMAK ROAD  
WESTCHESTER, IL 60154  
Main # (708) 562-0200 Ext. 218

CHICAGO OFFICE  
111 W. JACKSON BLVD., SUITE 1415  
CHICAGO, IL 60604-3868  
OFFICE: (312) 692-1540  
FAX: (312) 692-1489

**BOARD OF TRUSTEES**

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J. MICHAEL LAZZARETTO  
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LARRY WRIGHT  
JEFF M. ZIEMANN

FOR EMPLOYERS  
BENJAMIN D'ANDREA  
ALAN ESCHE  
RICHARD E. GRABOWSKI  
ROBERT G. KRUG  
DAVID H. LORIG  
GARY LUNDSBERG

**WELFARE FUND**

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SCOTT PAVLIS  
FRANK RILEY

FOR EMPLOYERS  
ALAN ESCHE  
CHARLES J. GALLAGHER  
RICHARD E. GRABOWSKI  
DAVID H. LORIG  
DENNIS P. MARTIN  
TIM J. SCULLY

*From the Office of Fund Counsel*

January 23, 2008

Kevin D. Brown  
1007 Longaker  
Northbrook, Illinois 60062

**Re: *Laborers' Pension and Welfare v. Kevin D. Brown, d/b/a  
Allstar Construction: Case Number: 07 CV 6422***

Dear Mr. Brown:

Enclosed please find a Minute Order entered by the Hon. Judge Elaine E. Bucklo on January 18, 2008 ordering the Company to produce its books and records and to submit to an audit within 60 days. Please contact me immediately to comply with the Court's Order. Be advised that if you have not responded and complied with the Court's Order within the specified timeframe, I will file the appropriate Motion for Rule to Show Cause why you should not be held in contempt.

Do not hesitate to contact me should you have any further questions.

Very truly yours,

LABORERS PENSION AND WELFARE FUNDS

Charles Ingrassia

Encl.

Reply to Chicago Office

FILE COPY



**EMPLOYER PARTICIPANTS -**

Builders' Association, Employing Plasterers' Association, Underground Contractors' Association, Mason Contractors' Association, Concrete Contractors' Association, Wrecking Contractors, Concrete Products Employers, Lake County Illinois Employers, Illinois Road Builders Association, Bridge and Highway Structural Builders; i.e. all those who employ Laborers Engaged in the Building and Construction Industry.

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.0  
Eastern Division**

Laborers' Pension Fund, et al.

Plaintiff,

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**CERTIFICATE OF SERVICE**

The undersigned certifies that he caused a copy of the foregoing Motion for Rule to Show Cause to be served upon the following person via US Mail this 18<sup>th</sup> day of March 2008.

Mr. Kevin D. Brown, d/b/a  
Allstar Construction  
1007 Longaker  
Northbrook, IL 60062

/s/ Charles Ingrassia